

Amendment No. 2 to SB2261

Watson
Signature of Sponsor

AMEND Senate Bill No. 2261

House Bill No. 2271*

by deleting the language "or otherwise remove the child from the child's home, including the home of a parent, guardian, or other legal custodian for any length of time," in subdivision (a)(2)(A)(v) of Section 26.

AND FURTHER AMEND by adding the language "or" after "probation;" in subdivision (a)(2)(A)(v)(b) of Section 26.

AND FURTHER AMEND by deleting subdivision (a)(2)(A)(v)(c) of Section 26, renumbering subdivision (a)(2)(A)(v)(d) accordingly, and deleting "(a)(2)(A)(v)(d)" in subdivision (a)(2)(A)(v)(d)(2) and substituting "(a)(2)(A)(v)(c)".

AND FURTHER AMEND by deleting the language "delinquent" in subdivision (b)(1)(A) of Section 36.

AND FURTHER AMEND by deleting subdivision (b)(2) of Section 36 and substituting instead the following as new subdivisions (b)(2) and (b)(3) and renumbering the remaining subdivisions accordingly:

(2) If the court finds that it is in the best interest of the child and the public that any unruly child be removed from the home of a parent, guardian, or other legal custodian, the placement of the child shall be with the person, agency, or facility that presents the least drastic or restrictive alternative.

(3) Prior to committing an unruly child to the custody of the department of children's services, the court shall refer such child to the department's juvenile-family crisis intervention program under § 37-1-168. The court may commit the child to the department after such juvenile-family crisis intervention program certifies to the court

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that there is no other less drastic measure than court intervention. Nothing in this subsection (b) shall preclude placing a child in protective service custody.

AND FURTHER AMEND by deleting the language "or otherwise remove the child from the child's home, including the home of a parent, guardian, or other legal custodian for any length of time," in subdivision (c)(5) of Section 37.

AND FURTHER AMEND by adding the language "or" after "probation;" in subdivision (c)(5)(B) of Section 37.

AND FURTHER AMEND by deleting subdivision (c)(5)(C) of Section 37, renumbering subdivision (c)(5)(D) accordingly, and deleting "(c)(5)(D)" in subdivision (c)(5)(D)(ii) and substituting "(c)(5)(C)".

AND FURTHER AMEND by deleting subdivision (a)(1) of Section 39 and substituting instead the following:

(1) The child was less than fourteen (14) years of age at the time of the alleged conduct and charged with first degree murder or second degree murder or attempted first or second degree murder; the child was fourteen (14) years of age or more but less than seventeen (17) years of age at the time of the alleged conduct and charged with the offense of first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated rape of a child, aggravated robbery, especially aggravated robbery, aggravated burglary, especially aggravated burglary, kidnapping, aggravated kidnapping, especially aggravated kidnapping, commission of an act of terrorism, carjacking, or an attempt to commit any such offenses; or the child was seventeen (17) years of age or more at the time of the alleged conduct. The district attorney general

shall not seek, nor shall any child transferred under this section receive, a sentence of death for the offense for which the child was transferred;

AND FURTHER AMEND by adding the language “or has been rated as effective by a standardized program evaluation tool” after the word “recidivism” in the first subdivision of the amendatory language of Section 5.

AND FURTHER AMEND by adding the language “or has been rated as effective by a standardized program evaluation tool” after the word “recidivism” in subdivision (a)(1) of Section 57.

AND FURTHER AMEND by deleting Sections 12, 13, 14, and 42 and by renumbering the remaining sections accordingly.

AND FURTHER AMEND by deleting the effective date section and substituting instead the following:

SECTION 58. For purposes of rulemaking, this act shall take effect upon becoming a law, the public welfare requiring it. Sections 51, 55, 56, and 57 of this act shall take effect upon becoming a law, the public welfare requiring it. Sections 20, 22-26, 32-34, 39, 40, 42, 46, 48, and 49 of this act shall take effect July 1, 2019, the public welfare requiring it. All other sections of this act shall take effect July 1, 2018, the public welfare requiring it.